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didn't come back. She was left penniless and alone in a strange land. She borrowed enough money from a policeman to get back home, and caused a prosecution to be brought against Foster for cheating and swindling. In *Foster v. State*, 68 Southeastern Reporter, 739, the Georgia Court of Appeals held that since counterfeit money is not a thing of value, because its possession is criminal and a violation of the law to make, own, or use it, she could not be swindled. The court said: "However consummate the defendant's knavery may appear, however pitiable is the plight of the prosecutrix, we are constrained to hold that defendant cannot be convicted. for—

"When lovely woman stoops to folly  
And finds too late that men betray,  
What charm can soothe her melancholy?  
What art can wash her guilt away?"

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**Reading of the Bible in Public Schools.**—The reading of the Bible in the public schools of Illinois constitutes sectarian instruction, according to the opinion of the Supreme Court of Illinois in the case of *People v. Board of Education of Dist. 24*, 92 Northeastern Reporter, 251. The court holds that as the Douay or Catholic version of the Bible will not be accepted by Protestants, and the King James or Protestant version is inconsistent with the Catholic faith, the reading of the King James version in the public schools of Illinois deprives Catholic children of the freedom of religious worship guaranteed to them in the Constitution. Judge Dunn says: "The Bible is not read in the public schools as mere literature or mere history. It is not adapted for use as a text-book for the teaching alone of reading, of history, or of literature, without regard to its religious character. Such use would be inconsistent with its true character and the reverence in which the Scriptures are held and should be held. If any parts are to be selected for use as being free from sectarian differences of opinion, who will select them? All sects, religious or even anti-religious, stand on an equal footing. The public school is supported by the taxes which each citizen, regardless of his religion or his lack of it, is compelled to pay. The school, like the government, is simply a civil question. It is secular, and not religious, in its purposes. The truths of the Bible are the truths of religion, which do not come within the province of the public school. The banishment of religious instruction from the public schools is done, not from any hostility to religion, but because it is no part of the duty of the state to teach religion—to take the money of all, and apply it to teaching the children of all the religion of a part only."

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**Jack Binns' "C. Q. D."**—John R. Binns, an employee of the Marconi Wireless Telegraph Company, was on January 23, 1909, in charge of the wireless apparatus on board of the steamship Republic,

which came in collision with another ship. He summoned assistance by means of the wireless "C. Q. D." message, and ultimately saved all the passengers. This incident became one of widespread notoriety and general interest. Shortly after, a moving picture concern placed on the market films entitled "C. Q. D., or Saved by Wireless," using the name of Jack Binns on them, together with a pictorial representation of him, without his consent. He brought suit to restrain them from using the films and to recover damages for the unauthorized use thereof. In *Binns v. Vitagraph Co. of America*, 124 New York Supplement, 515, the New York Supreme Court held that he was entitled to an injunction and damages, under section 51 of the civil rights law, prohibiting the use for advertising purposes, or for purposes of trade, of the name, portrait or picture of any living person without consent of the person.

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**Infection of a Building with Smallpox Is Waste.**—Waste is the omission of duty touching real estate by one rightfully in possession, which results in its substantial injury, so that the premises cannot revert to those having an underlying interest undeteriorated by any willful or negligent act. Without plaintiff's consent the mortgagor of certain buildings leased them to the defendant board of health for use as a hospital for smallpox patients. Plaintiff, the mortgagee, brought action for waste. The Supreme Judicial Court of Massachusetts in *Delano v. Smith*, 92 Northeastern Reporter, 500, holds that while the supposed diminution of the value of property resting on sentimental grounds arising from the dictates of custom or taste cannot constitute waste, yet the infection of a building with smallpox, so that it cannot be used for the purpose intended, will be waste, unless it can be shown that such injury may be obviated, by disinfection or otherwise, without material physical change in the building.

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**A Mortgage Debt Is Not Personalty.**—It was held by the Court of Appeals of England in *In re Hoyles* (Dec. 7, 1910), *Cozens-Hardy, M. R.*, delivering the opinion of the court, that a mortgage debt secured by land is to be regarded not as a movable, but as an immovable. The court cited with approval *Story on Conflict of Laws*, § 447 and *Dacey's Conflict of Laws* (1st Ed.), p. 73.

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**Doctrine in Turntable Cases.**—The Supreme Court of Arkansas has extended the protection of the turntable doctrine (repudiated by the Supreme Court of Virginia) to dumb animals. It was held in *St. Louis, etc., R. Co. v. Newman* (Ark.), 127 S. W. 735, 28 L. R. A., N. S., 83, and note, that a railroad company which permits a leaky oil car to stand near where cattle are rightfully accustomed to graze along a highway and its unfenced track, so that the oil forms pools, the drinking of which will be injurious to the cattle, is bound to guard the